

REMARKS

This is a full and timely response to the non-final Office Action mailed June 19, 2003 (Paper No. 2). The present amendment amends claims 2, 4, 7 and 9 in order to correct minor typographical errors and further requests the reconsideration of certain findings of fact in connection with the rejection of the claims. No new matter has been added. Reexamination and reconsideration in light of the present amendment and the following remarks are respectfully requested.

Allowable Subject Matter:

The Applicants thank the examiner for acknowledging claims 2, 7 and 8 as containing allowable subject matter. Although claims 2, 7 and 8 have not been amended to incorporate the limitations of their base claims, the Applicants hereby reserve the right to amend claims 2, 7 and 8 according to their original claim structure depending on future developments of the prosecution of the present application.

Claim Rejections - 35 U.S.C. § 102:

In the Action, claims 1, 3 to 6 and 9 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,448,757 to Hirata ("Hirata"). This rejection is respectfully traversed.

Independent claim 1 of the present invention recites an audio system for an automobile comprising, *inter alia*, a plug transmitter plugged into a cigar lighter socket able to input electric power from a power source mounted to the automobile and able to transmit an audio signal from a portable audio device as a radio wave in a receiving frequency band, such that a radio mounted to the automobile receives the radio wave from the plug transmitter and performs an audio output operation from a speaker.

As described on page 22, lines 12-25 of the specification, the above-recited constitution allows the present invention to draw power from the cigar lighter socket such that the signals inputted from the portable audio devices may be modulated by an audio modulator portion and transmitted by a transmitter portion as radio waves for reception by the radio mounted in the automobile. Accordingly, the plug transmitter disclosed in the present invention can be compactly constructed and portably carried for use in various automobiles for the reproduction of audio signals of various portable input devices.

In contrast, the invention disclosed in Hirata fails to disclose, teach or suggest a plug transmitter able to transmit an audio signal inputted from a portable audio device as a radio wave in a receiving frequency band. As described in column 2, lines 13 to 27, the invention disclosed in Hirata discloses an audio signal modulating system connected in series between a car antenna 4 and an FM tuner 5 for emphasizing the high frequencies of an audio signal input from a CD player or other reproduction device. (See Fig. 1). Two forms of audio are input into the modulation system: FM radio signals via the car antenna 4, and audio from a device such as a CD or cassette player. The modulation system of Hirata then acts either as: 1) a bypass circuit for outputting FM radio signals received from the car antenna 4, or 2) as a modulation circuit for converting an audio signal inputted from a CD device into an RF signal so as to be outputted to the FM tuner 5. (See col. 3, lines 27-32). In both cases, these audio signals are only output from the signal modulation system via RF output terminal 3, which is connected to the antenna terminal of FM tuner 5 through cords 3a, 3b and connector 3c. (See Figs. 1 and 3). Neither signal is transmitted or propagated through the air as radio waves, as is recited in claim 1 of the present invention.

In other words, the invention disclosed in Hirata serves only to modulate signals inputted from a reproducing device, and does not employ the use of an RF transmission circuit for transmitting modulated signals via radio waves for reception by the FM tuner. Instead, Hirata requires the use of a large number of special wires and connectors for connecting the modulation system to the FM tuner 5, in addition to the numerous wires and connectors required for connecting the system to the antenna 4, CD player 8 and controller 7. (See Fig. 1). The invention disclosed in Hirata is, therefore, not a portable wireless transmitter for transmitting a modulated audio signal as a radio wave, but is instead a bulky modulation system connected in series with an FM tuner via multiple wires and connectors for modulating and emphasizing certain frequency signals. Hirata, therefore, fails to disclose, teach or suggest a plug transmitter able to transmit an audio signal inputted from a portable audio device as a radio wave.

Moreover, Hirata fails to disclose, teach or suggest the modulation system recited therein as being "plugged into a cigar lighter socket", as is recited in claim 1 of the present invention. No provision has been made in the disclosure of Hirata for the use of any form of special cigar lighter adapter, as has been provided in the disclosure of the present invention. In fact, column 2, lines 23-24 of Hirata clearly requires the modulation system be connected via "a power supply cord 6c", and not via a cigar lighter socket.

Accordingly, because Hirata fails to disclose, teach or suggest each and every limitation of claim 1 of the present invention, a *prima facie* rejection has not been established, and withdrawal thereof is respectfully requested. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of

California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accord. M.P.E.P. § 2131.

In addition, because independent claim 4 of the present invention also recites a "transmitting circuit" and the ability to be "plugged into a cigar lighter socket", as is recited in claim 1 as discussed above, a *prima facie* rejection of claim 4 has not been established for essentially the same reasons as set forth above with respect to the rejection of claim 1, and withdrawal thereof is respectfully requested

Moreover, aside from the novel features and distinctions recited therein, claims 2 to 3 and 5 to 9, being dependent either upon allowable base claim 1 or 4, also represent allowable subject matter, and withdrawal of their rejection is therefore courteously solicited.

Conclusion:

For at least the foregoing reasons, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

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Respectfully submitted,

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